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FILED
DISTRICT COURT OF GUAM
FEB -9 2007
MARY L.M. MORAN
CLERK OF COURT

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11 Attorneys for Defendant, Cross-Claimant and
12 Counterclaimant S.J. GARGRAVE SYNDICATE 2724

13 **IN THE DISTRICT COURT OF GUAM**
14 **TERRITORY OF GUAM**

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 vs.

18 INCHCAPE SHIPPING SERVICES GUAM,
19 LLC,

20 Plaintiff in Intervention,

21 vs.

22 MARWAN SHIPPING & TRADING CO.,
23 FIVE SEAS SHIPPING CO., LLC, and S.J.
GARGRAVE SYNDICATE 2724, *in*
24 *personam*,

25 Defendants.

26 AND CROSS-CLAIMS, COUNTERCLAIM,
27 AND CLAIM IN INTERVENTION
28

Civil Case No.: 06-00011

**S.J. GARGRAVE SYNDICATE 2724'S
NOTICE OF INTENTION TO PROVE
FOREIGN LAW
[Fed.R.Civ.P. 44.1]**

Complaint Date: April 19, 2006
Trial Date: May 12, 2008

11620/0002/614814.1

ORIGINAL

GARGRAVE'S NOTICE OF INTENTION TO PROVE
FOREIGN LAW [Civil Case No.: 06-00011]

1 COMES NOW Defendant, Cross-Claimant and Counterclaimant s S.J. GARGRAVE
2 SYNDICATE 2724 (hereinafter "Gargrave"), and gives notice pursuant to Federal Rule of Civil
3 Procedure 44.1 of its intention at trial to prove issues of foreign law.

4 Specifically, and pursuant to the requirements of Fed.R.Civ.P. 44.1, Gargrave hereby
5 advises that it intends to prove English law as it applies to this case with regard to issues of:
6 underwriting generally, and particularly the underwriting in the London market of insurance and
7 guarantees for oil pollution; claims handling; the agency of brokers; the requirements for and the
8 process of placing insurance in the London market; the interpretation of insurance contracts
9 placed in and guarantees issued by the London market; the duties and obligations of insureds and
10 their brokers when placing insurance and seeking guarantees in the London market; the
11 differences between insurance contracts and broker's cover notes; the interpretation of certain
12 London market policy and guarantee forms; choice of law; conflicts of law; arbitration
13 agreements; the duty of utmost good faith under English law and as a custom and practice in the
14 London market; the reporting of claims by insureds to insurers in the London market; the
15 insured's duties of cooperation and full disclosure with its insurers in the London market; and
16 various related and derivative points and issues. Gargrave hereby gives notice that it will prove
17 that English law governs most, if not all, issues in this case as they apply to Gargrave, and that
18 under English law, Gargrave is entitled either to judgment or to complete indemnification as a
19 matter of law.

20 Dated this 9 day of February, 2007.

21 THOMAS M. TARPLEY, JR.
22 A Professional Corporation

23 By: 

24 THOMAS M. TARPLEY, JR.,
25 Attorney for Defendant, Cross-Claimant
26 and Counterclaimant S.J. GARGRAVE
27 SYNDICATE 2724
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CERTIFICATE OF SERVICE

I, Thomas M. Tarpley, Jr., hereby certify pursuant to Rule 5(d) Fed. R. Civ. P. that on February 7, 2007, I caused to be served a true and correct copy of the **NOTICE OF INTENTION TO PROVE FOREIGN LAW [Fed.R.Civ.P. 44.1]**, to the following:

R. Michael Underhill, Esq.
Attorney in Charge
c/o Mike W. Schwab, Esq.
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Attorneys for Intervenor Inchcape Shipping Services Guam LLC

Dated this 7 day of February, 2007.

THOMAS M. TARPLEY, JR.
A Professional Corporation

By 

THOMAS M. TARPLEY, JR.,
Attorney for Defendant, Cross-Claimant
and Counterclaimant S.J. GARGRAVE
SYNDICATE 2724